

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

BUDDY L. McCANDLESS,)	
)	
Plaintiff,)	
vs.)	NO. CIV-09-1109-HE
)	
EVERETT VAN HOESEN,)	
)	
Defendant.)	

ORDER

Plaintiff Buddy L. McCandless, a pre-trial detainee appearing *pro se*, filed this case pursuant to 42 U.S.C. § 1983, alleging violations of his constitutional rights. Consistent with 28 U.S.C. § 636(b)(1)(B), the case was referred to Magistrate Judge Doyle W. Argo, who recommended that defendant's motion for summary judgment be granted and defendant's motion for confession of judgment be denied as moot. Objections to Judge Argo's Report and Recommendation were due by May 24, 2011.¹


The plaintiff failed to object to the Report and Recommendation and thereby waived his right to appellate review of the factual and legal issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996). *See* 28 U.S.C. § 636(b)(1)(C); LCvR72.1(a). Accordingly, the court **ADOPTS** Magistrate Judge Argo's Report and Recommendation. The court **GRANTS** defendant's motion for summary

¹Plaintiff filed a letter with the court that he is now at the Northeast Oklahoma Correction Center located at 442606 E. 250th Road, Vinita, Oklahoma 74301. The court mailed a copy of the magistrate judge's report and recommendation to the address, but delivery was refused because plaintiff was no longer there. [Doc. #39]. It is plaintiff's responsibility to notify the court of any change in address, and papers sent by the court will be deemed delivered if sent to the last known address given to the court. *See* LCvR 5.4.

judgment [Doc. #31] and **DENIES** as moot defendant's motion for confession of judgment [Doc. #35].

IT IS SO ORDERED.

Dated this 27th day of May, 2011.



JOE HEATON
UNITED STATES DISTRICT JUDGE